

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY REED,

Defendant.

8:14-CR-285

ORDER

This matter is before the Court on the defendant's motion for compassionate release ([filing 133](#)). The government has advised the Court that the motion is unopposed. Having considered the defendant's evidence, the Court will grant the motion.

Pursuant to [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#), a defendant may (after exhausting his administrative remedies) move for reduction of his term of imprisonment based upon "extraordinary and compelling reasons." The Court, after considering the factors enumerated in [18 U.S.C. § 3553\(a\)](#), may grant the motion if extraordinary and compelling reasons warrant the reduction, and such a reduction is consistent with applicable policy statements issued by the Sentencing Commission. *Id.* And pursuant to [U.S.S.G. § 1B1.13\(2\)](#), the Court must also find that the defendant is not a danger to the safety of any other person or to the community.¹

¹ The Court notes that § 1B1.13 was premised on a previous version of § 3582(c)(1)(A), which permitted a sentence reduction *only* upon motion of the Director of the Bureau of Prisons. See § 603(b) of the [First Step Act of 2018](#), Pub. L. No. 115-391, 132 Stat. 5194 (2018). As will be explained, the Court finds that the criteria set forth in § 1B1.13 are satisfied here—so, the Court need not decide in this case whether § 1B1.13 remains "applicable" to the current

Pursuant to § 1B1.13, "extraordinary and compelling reasons" include the medical condition of the defendant, when:

The defendant is suffering from a terminal illness (i.e., a serious and advanced illness with an end of life trajectory). A specific prognosis of life expectancy (i.e., a probability of death within a specific time period) is not required. Examples include metastatic solid-tumor cancer, amyotrophic lateral sclerosis (ALS), end-stage organ disease, and advanced dementia.

Id., cmt. n.1(A)(i). The uncontested evidence, discussed in more detail in the defendant's brief, meets that definition. See [filing 133-1](#). Mr. Reed is due to be released in a little over a year, but is unlikely to live that long. See [filing 133 at 9](#). The uncontested evidence also establishes that the defendant, due to his medical condition if nothing else, represents no danger to others. See [filing 133 at 8-9](#). And the Court, having considered the factors set forth in § 3553(a), finds that reduction of the defendant's sentence is appropriate.² Accordingly,

version of the statute within the meaning of § 3582(c)(1)(A)(ii). See [United States v. Cantu](#), No. 1:05-CR-458-1, 2019 WL 2498923, at *3-5 (S.D. Tex. June 17, 2019).

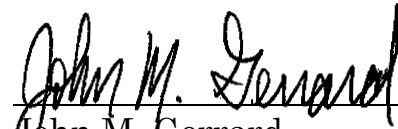
² Having not been asked to do otherwise, the Court has re-imposed a 5-year term of supervised release, imposed the current standard conditions of supervised release, and re-imposed the special conditions of supervised release from the previous judgment. See [filing 112](#). If the defendant's condition requires modifying any of those conditions, the Court will consider doing so upon a motion from the defendant or a petition from the probation office.

IT IS ORDERED:

1. The defendant's unopposed motion for compassionate release ([filing 133](#)) is granted.
2. The defendant's sentence is reduced to time served.
3. An amended judgment will be entered.

Dated this 20th day of June, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge